IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

Bail Appl..No. 1159 of 2007()

AGAINST THE ORDER IN BA.371/2007
CRIME NO.4/07 OF AGALI POLICE STATION

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: PETITIONERS/ACCUSED NO.9 & 10

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1. RATHINASAMI, S/O MAYILSAMI,
H.NO.107,THERPETTI, DHARAPURAM,
ERODE, TAMILNADU.

2. KUMAR @ RAJKUMAR,S/O THANKAVELU,
MAHALIYAMMANKOVIL, KOVIL VEEDHI,
KARAYUR, ERODE, TAMILNADU.

BY ADV. SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P

RESPONDENT:

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.1159 OF 2007

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DATED THIS THE 28th DAY OF FEBRUARY, 2007

O R D E R

Petitioners who are accused Nos.9 and 10 in Crime No.4/07 of Agali Police Station for offences punishable under sections 450, 342, 395 and 427 read with section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)Act, 1989, seek their enlargement on bail. The occurrence took place after the midnight of 10.1.2007. Petitioners were arrested on 12.1.2007.

2. Learned Public Prosecutor opposed the application submitting, inter alia, that the petitioners are the drivers of the JCB which were used for demolishing the residential building of the de facto complainant to the ground and that the petitioners do not deserve any lenient treatment.

3. We are on the question as to whether the pre-trial incarceration of the petitioners should be continued or not. If, ultimately, the petitioners are found guilty, they may deserve condign punishment. Having regard to the facts and circumstances of the case, I am inclined to grant bail to the petitioners with effect from a future date. Accordingly, the petitioners are directed to be released on bail with effect from 08.03.2007 on each of them executing a bond

for Rs.10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M., Mannarkkad and subject to the following conditions:

1. The petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioners shall make themselves available for interrogation as and when required by the Police, till the filing of the final report.

3. The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

4. The petitioners shall not commit any offence while on bail.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

dsn